

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3450 OF 2021

Sanjay Atmaram Salunkhe ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Ms. Shubhangi Parulekar, Advocate for the Applicant.

Mr. A.A. Palkar, APP for the Respondent No.1 – State.

Ms. Saili Dhuru, Advocate for Respondent No.2

CORAM : PRAKASH D. NAIK, J.
DATE OF RESERVING ORDER : 18th OCTOBER, 2022.
DATE OF PRONOUNCEMENT OF ORDER : 19th DECEMBER, 2022.

PER COURT:

1. The applicant is arrested on 4th May, 2021 in C.R. No.332 of 2021 registered with Hadapsar Police Station, Pune for offence under Sections 354, 354-A of Indian Penal Code (for short 'IPC') and Sections 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the accused was working as teacher in the school. The first informant/victim is a girl aged around 14 years. She was studying in the same school. First Information

Report (for short 'FIR') was registered on 3rd May, 2021. It was

alleged that the accused had inappropriately touched the victim girl.

During the course of investigation statements of two other victim girls were recorded who complained about objectionable touch by

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the accused. On completing investigation charge-sheet was filed.

3. The applicant preferred an application for bail before the Court of Sessions at Pune which was rejected by order dated 28th June, 2021.

4. Learned Advocate for the applicant submitted that the applicant is in custody from 4th May, 2021. There is no progress in trial. Further custody of the applicant is not necessary. The statement of victim girls are contrary to each other. There is delay in lodging FIR. The first informant/victim has referred to the alleged incident of November-2019. The FIR was lodged on 3rd May, 2021. Investigation is completed and charge-sheet is filed. There are no criminal antecedents against the applicant. The FIR was lodged on receipt of anonymous complaint. The complaint by aggrieved parents does not bear inward stamp and number of school office. The allegations are vague. The specific date of incident is not mentioned by victims. There was difference of opinion in the inquiry conducted against him by the institution. One of the enquiry officer had exonerated him from the charges. The services of the applicant are terminated and question of tampering with the evidence does not arise.

5. Learned APP and learned Advocate for Respondent No.2 submitted that offence is of serious nature. The victims were minor. The accused was working as school teacher. He was involved in outraging modesty of victims. The statement of first informant/victim has been recorded under Section 164 of Cr.P.C. She has reiterated her version reflected in the statement under Section 161 of Cr.P.C. The statement attributes role of outraging modesty to the applicant. At the most trial may be expedited.

6. It is not disputed that at the relevant time, the applicant was working as teacher in the school where the alleged incidents had occurred. The FIR was registered on 3rd May, 2021, at the instance one of the victim girl. She is aged around 14 years. She had alleged that somewhere after November-2019, the accused had touched her chest. She was scared and did not report the incident to anyone. It was also alleged that even thereafter, the accused committed similar act. He also made phone calls. Similar act was also committed with two other girls. Her statement is also recorded under Section 164 of Cr.P.C on 12th July, 2021. In the said statement it is stated that somewhere in 2019 the accused outraged her modesty. It is also stated that accused had clicked her photographs and forwarded it to her. The statement under Section 164 of Cr.P.C. appears to be containing improved allegations. Statement of victim No.2 was

recorded on 15th May, 2021. The victim girl is aged around 14 years. She has stated that the accused had pulled hand of first informant/victim. The accused had pulled her by touching her waist. The incident had occurred somewhere in 2019. The statement of victim No.3 was recorded on 20th may, 2021. She is aged around 13 years. It is alleged that somewhere in November/December the accused had pulled her hand. The statement of victim No.2 is not in conformity with victim No.1 about the nature of act committed with victim No.2. Victim No.3 had also stated that victim No.2 had told her that the accused had sent her photographs to her family in swimming suit which was deleted by her. However, victim No.2 in her statement did not state anything about it. Investigation is complete. Charge-sheet is filed. The applicant is in custody for one and half year. There is no progress in the trial. Bail can be granted on stringent condition.

ORDER

- i. Criminal Bail Application No.3450 of 2021 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.332 of 2021 registered with Hadapsar Police Station, Pune on executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

iii. The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in a three months on first Sunday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

iv. The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for a period of eight weeks in lieu of surety.

v. The applicant shall not tamper with the evidence and shall not approach the victim and their parents.

vi. The applicant shall attend the trial Court on the date of hearing regularly unless exempted by Court for some reasons.

vii. Application stands disposed off.

(PRAKASH D. NAIK, J.)